

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 1)

O.A. No. 837 of 2023

Ex. Sub. (Hony. Lt.) Sunil Kumar Singh
By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Shyam Singh, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1.</div><div>Shri Shyam Singh, Advocate appears on behalf of the respondents and files Memo of Appearance which is taken on record.</div></div><div><div>2.</div><div>Heard Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</div></div><div><div>3.</div><div>This Original Application has been filed against order dated 01.05.2023 passed by the OIC Records rejecting the applicant’s claim for the grant of disability element of pension.</div></div><div><div>4.</div><div>It is submitted by the Ld. Counsel for the applicant that applicant was enrolled in the Indian Army on 29.04.1995 in Shape-I medical category and discharged from service on 30.04.2023 in low medical category with disability “Bilateral Sensorineural Hearing Loss (H-90.4)”, after rendering 28 years of service. The Release Medical Board held at the time of discharge assessed the disability @20% for life and considered the same as aggravated by military service. However, the claim for the grant of disability element was denied by the OIC Records observing being a NANA case.</div></div><div><div>5.</div><div>It is further submitted that it is settled in law that if individual had no disability at the time he entered into service and later on develops some disability, the same would be deemed to be either attributable to or aggravated by military service, unless explained otherwise. It is further submitted that when Release Medical Board has observed the disability suffered by the applicant as aggravated by the military service, the competent authority can’t to reject the claim saying disability is neither attributable to nor aggravated by military service.</div></div><div><div>6.</div><div>It is further submitted that since competent authority has rejected the claim without assigning any justifiable reason, the Original Application filed under Section 14 of the Armed Forces Tribunal Act, 2007 without availing the</div></div></div>

	<p>remedy of Appeal is maintainable.</p> <p>7. In reply, Ld. Counsel for the respondents submits that Sub-Section (1) of Section 21 of the Armed Forces Tribunal Act, 2007 manifestly says that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of the remedies available to him under the Army Act, 1950 and rules and regulations made thereunder. He further submits that against the order of rejection of claim the remedy of Appeal is available to the applicant under the Army Act, and the same being not availed, Original Application is not maintainable.</p> <p>8. We have gone through the submissions made by the Ld. Counsel of both sides and also the provisions laid down Sub-Section (1) of Section 21 of the Armed Forces Tribunal Act, 2007 which clearly says that “<i>the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of the remedies available to him under the Army Act, 1950, or the Navy Act, 1957 or the Air Force Act, 1950 as the case may be, and respective rules and regulations made thereunder</i>”. Admittedly, against the order rejecting the claim the remedy of Appeal is available to the applicant. Therefore, it was required on the part of the applicant to avail this remedy before filing the Original Application. The Original Application could not be admitted on the plea that competent authority has rejected the claim without assigning any justifiable reason. Since the Original Application has been filed without availing the remedy as Appeal available to the applicant, the same is not maintainable.</p> <p>9. Accordingly, Original Application is dismissed as not maintainable with liberty to file afresh after availing the remedy of Appeal.</p> <p>10. In case applicant prefers Appeal, the respondents will decide the same expeditiously preferably within a period of three months, as per rules.</p> <div><div><p>(Vice Admiral Atul Kumar Jain) Member (A)</p></div><div><p>(Justice Umesh Chandra Srivastava) Member (J)</p></div></div> <p>AKD/-</p>
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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 2)

O.A. No. 838 of 2023

Lt. Col. Bommana Satyanarayana (Retd.) Applicant
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.), Advocate
Shri Rohit Kumar, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</p> <p>2. Heard Shri Rohit Kumar, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>3. Ld. Counsel for the respondents has raised objection that applicant is the permanent resident of District East Godavari, Andhra Pradesh and not of Lucknow, therefore, this Tribunal has no territorial jurisdiction to entertain the Original Application. He further submits that Original Application is bad for non-joinder of “ORO/MP-7/Adjudication Cell, Integrated Headquarters of MoD (Army), Adjutant General’s Branch, Additional Directorate General MP (P & P), West Block-III, R.K. Puram, New Delhi” as respondent.</p> <p>4. Ld. Counsel for the applicant prays for and is granted two weeks time to seek amendment in the Original Application and to file documentary proof regarding residence of the applicant.</p> <p>5. List on 18.08.2023.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 3)
O.A. No. 839 of 2023 with M.A. No. 1036 of 2023

Ex. Hony. Lt. thaman Singh Gurung

By Legal Practitioner for the Applicant :

Shri V.P. Pandey, Advocate
Shri R.K. Singh, Advocate
Maj. S.M. Mustafa, Advocate (Retd.)
Shri D.K. Dixit, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents :

Shri Yogesh Kesarwani, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div>19.07.2023</div><div>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1.</div><div>Memo of Appearance filed by Shri Yogesh Kesarwani, Advocate on behalf of the respondents is taken on record. His name be shown as Counsel for the respondents when the case is listed next.</div></div> <div><div>2.</div><div>Heard Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents.</div></div> <div><div>3.</div><div>This Original Application has been filed for the grant of disability element of pension after condoning delay of 13 years, 03 months and 13 days in filing of Original Application.</div></div> <div><div>4.</div><div>It is submitted by the Ld. Counsel for the applicant that applicant suffered disability while in service which was regarded as attributable to military service by the Release Medical Board, however, the claim for the grant of disability element of pension has been denied by the competent authority without assigning any justifiable reason.</div></div> <div><div>5.</div><div>Regarding delay, it is submitted by the Ld. Counsel for the applicant that denial of disability claim is a continuing wrong.</div></div> <div><div>6.</div><div>Cause shown is sufficient. Accordingly, delay is condoned. Delay condonation application stands disposed off.</div></div> <div><div>O.A. No. 1036 of 2023</div></div> <div><div>7.</div><div>Case needs adjudication.</div></div> <div><div>8.</div><div>Admit.</div></div> <div><div>9.</div><div>Ld. Counsel for the respondents seeks and is allowed four weeks time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</div></div> <div><div>10.</div><div>List on 26.09.2023.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div> <div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div> <div>AKD/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 4)

M.A. No. 1026 of 2023 with M.A. No. 1027 of 2023 Inre : O.A. No. 776 of 2021

Union of India & Others
By Legal Practitioner for the Applicants : Ms. Appoli Srivastava, Advocate

Applicants

Ex. Nk. Suresh Kumar
By Legal Practitioner for Respondent : None

Versus

Respondent

Notes of the Registry	Orders of the Tribunal
	<div><div>19.07.2023</div><div>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. Heard Ms. Appoli Srivastava, Ld. Counsel for the applicants – Union of India & Others.</div><div>2. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 11.05.2022 of this Tribunal in Original Application No. 776 of 2021.</div><div>3. There is a delay of 01 year, 01 month and 01 day in filing of leave to application.</div><div>4. Submission of Ld. Counsel for the applicants – Union of India & Others is that delay in filing leave to appeal is not deliberate. Her further submission is that the Judgment was sent to Deputy JAG (LIT) Headquarters, Central command which was sent to Officer-in-Charge Records, ASC (South), Bangalore and Chief of the Army Staff, New Delhi for obtaining Legal Opinion and after obtaining Legal Opinion the authorities have given instruction to grant the certificate of Lave to Appeal. Thus, his submission is that delay is not deliberate, but for the reasons stated above.</div><div>5. Having heard the submission of Ld. Counsel for the applicants – Union of India & others and considering the facts and circumstances of the case, we find that explanation offered by the applicants for delay in filing Leave to Appeal is not sufficient. It is settled in law that if time limit is given for filing of any application and the same is not filed within that time limit, delay should be explained on day to day basis which applicant has utterly failed in the present case. We also find that no point of law of general public importance is involved so that leave may be granted.</div><div>6. In the result, we find that delay is not condonable.</div><div>7. Accordingly, delay condonation application is dismissed.</div><div>8. Leave to Appeal is also dismissed being time barred as well as on merit.</div><div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div><div>AKD/-</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 5)

M.A. No. 1028 of 2023 with M.A. No. 1029 of 2023 Inre : O.A. NO. 551 of 2022

Union of India & Others

By Legal Practitioner for the Applicants : Ms. Anju Singh, Advocate

Versus

Ex. Nk. Abhinay Singh

By Legal Practitioner for Respondents : None

Applicants

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>19.07.2023</div><div>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. Heard Ms. Anju Singh, Ld. Counsel for the applicants – Union of India & Others.</div><div>2. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 06.01.2023 of this Tribunal in Original Application No. 551 of 2022.</div><div>3. It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 05 months and 06 days in filing of application be condoned.</div><div>4. In view of the facts stated in affidavit filed in support of delay condoantion application, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condoantion application stands disposed off accordingly.</div><div>5. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted.</div><div>6. Accordingly, Leave to Appeal is dismissed.</div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div></div></div>
	AKD/-

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 6)

M.A. No. 1032 of 2023 with M.A. No. 1033 of 2023 Inre : O.A. No. 851 of 2022

Union of India & Others Applicants
By Legal Practitioner for the Applicants : Shri Jai Narayan Mishra, Advocate

Versus
Ex. Nb. Sub. Rakesh Kumar Agnihotri Respondent
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Jai Narayan Mishra, Ld. Counsel for the applicants - Union of India & Others.</p> <p>2. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 11.01.2023 of this Tribunal in Original Application No. 851 of 2022.</p> <p>3. It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 05 months and 01 day in filing of application be condoned.</p> <p>4. In view of the facts stated in affidavit filed in support of delay condoantion application, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condoantion application stands disposed off accordingly.</p> <p>5. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted.</p> <p>6. Accordingly, Leave to Appeal is dismissed.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 7)

M.A. No. 1034 of 2023 with M.A. No. 1035 of 2023 Inre : O.A. No. 1066 of 2022

Hony. Lt. Devi Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri Rohitash Kumar Sharma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Memo of Appearance filed by Dr. Shailendra Sharma Atal, Advocate on behalf of the respondents is taken on record.</p> <p>2. Heard Shri Raj Kumar Mishra, Advcoate holding brief of Shri Rohitash Kumar Sharma, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>3. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 10.05.2023 of this Tribunal in Original Application No. 1066 of 2022.</p> <p>4. It is submitted by the Ld. Counsel for the applicant that applicant wants to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 01 month and 02 days in filing of application be condoned.</p> <p>5. In view of the facts stated in affidavit filed in support of delay condoantion application, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condoantion application stands disposed off accordingly.</p> <p>6. Upon hearing submission of Ld. Counsel for both the parties, we find that no point of law of general public importance is involved so that leave may be granted.</p> <p>7. Accordingly, Leave to Appeal is dismissed.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 8)

M.A. No. 1037 of 2023 with M.A. No. 1038 of 2023 Inre : O.A. No. 90 of 2023

Union of India & Others Applicants
By Legal Practitioner for the Applicants : Shri Ashish Kumar Singh, Advocate

Versus

Ex. Hav. Chandrama Ram Respondent
By Legal Practitioner for Respondent : None

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Ashish Kumar Singh, Ld. Counsel for the applicants – Union of India & Others.</p> <p>2. This application has been filed under Section 31 of the Armed Forces Tribunal Act, 2007 against the judgment and order dated 22.05.2023 of this Tribunal in Original Application No. 90 of 2023.</p> <p>3. It is submitted by the Ld. Counsel for the applicants – Union of India & others that applicants want to file Appeal against the decision of this Tribunal, leave be granted for the same and delay of 21 days in filing of application be condoned.</p> <p>4. In view of the facts stated in affidavit filed in support of delay condoantion application, we find that cause shown is sufficient. Accordingly, delay is condoned. Delay condoantion application stands disposed off accordingly.</p> <p>5. Upon hearing submission of Ld. Counsel for the applicants, we find that no point of law of general public importance is involved so that leave may be granted.</p> <p>6. Accordingly, Leave to Appeal is dismissed.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 9)

Ex. A. No. 78 of 2021 Inre : O.A. No. 742 of 2020

Ex. Sep. Jitendra Kumar Saroj Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Vishwesh Kumar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents assisted by Shri Rajeev Tiwari, Accounts Officer, Principal Controller of Defence Accounts (Pension), Prayagraj.</p> <p>2. In compliance of the order PPO for the grant of disability element for the period of two years has been issued and arrears has been credited in applicant’s account.</p> <p>3. R.S.M.B. of the applicant was held on 30.11.2022 wherein his disability has been assessed @30% for life and case file of the applicant in this regard for the issuance of PPO has been processed. Four weeks further time has been sought for filing affidavit of compliance which is allowed.</p> <p>4. List on 12.09.2023.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 10)

Ex. A. No. 51 of 2022 Inre : O.A. No. 108 of 2021

Ex. Sep. Bharat Chand
By Legal Practitioner for the Applicant :

Shri Parijaat Belaura, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents :

Dr. Gyan Singh, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div>19.07.2023 Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J) Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div> <div><div>1. On the case being taken up for hearing Shri Parijaat Belaura, Ld. Counsel for the applicant and Dr. Gyan Singh, Ld. Counsel for the respondents are present.</div><div>2. An affidavit of compliance of Major General Ashok Singh, ADG PS, 5th Floor, K.G. Marg, New Delhi has been filed today in Court which is taken on record.</div><div>3. Vide order dated 25.05.2023 this Tribunal had while granting time to the respondents for implementation of the order directed that in the event of order being not complied with within the period of four weeks the officer responsible for implementation of the order will appear in person in Tribunal on the next date fixed to explain the reasons of non-compliance and also why coercive action be not taken against him.</div><div>4. In affidavit filed today, it has been stated that file for implementation of the order has already been processed by the Director, PS-4 and is presently pending with Ministry of Defence, New Delhi. It is submitted that in the given situation the personal attendance of the officer be dispensed with and four weeks further time be granted for implementation of the order.</div><div>5. In the circumstances, personal attendance of the officer for today is dispensed with, with direction that if the Government Sanction is not accorded within four weeks from today, Director, PS-4, Integrated Headquarters of Ministry of Defence (Army), New Delhi will appear in person in Tribunal on the next date fixed to explain the reasons of non-compliance.</div><div>6. List on 12.09.2023.</div><div>7. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</div></div> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <div>AKD/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 11)

Ex. A. No. 108 of 2022 Inre : O.A. No. 260 of 2021 along with R.A. No. 48 of 2022

Col. (TS) Nagendra Singh (Retd.) Applicant
By Legal Practitioner for the Applicant : Shri R. Chandra, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Arvind Kumar Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri R. Chandra, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p>2. Four weeks further time has been sought by the respondents saying file for implementation of the order is still pending with the Office of Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi.</p> <p>3. Respondents are granted four weeks further time, as prayed, for implementation of the order. It is directed that in case the order is not complied with, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in the Tribunal through video conferencing on the next date fixed to show cause why coercive measures be not taken against her for non compliance.</p> <p>4. List on 28.08.2023.</p> <p>5. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No.12)

Ex. A. No. 140 of 2022 Inre : O.A. No. 420 of 2021

Ex. Sub. Rajiv Kumar

By Legal Practitioner for the Applicant : Shri Shailendra Kumar Singh, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Shri Ram Sharan Awasthi, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. On the case being taken up for hearing Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Ram Sharan Awasthi, Ld. Counsel for the respondents are present.</div><div>2. Four weeks further time has been sought by the respondents saying file for implementation of the order is still pending with the Office of Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi.</div><div>3. Respondents are granted four weeks further time, as prayed, for implementation of the order. It is directed that in case the order is not complied with, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in the Tribunal through video conferencing on the next date fixed to show cause why coercive measures be not taken against her for non compliance.</div><div>4. List on 28.08.2023.</div><div>5. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div><div>AKD/-</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 13)

Ex. A. No. 149 of 2022 Inre : O.A. No. 126 of 2021

Ex. Hav. Sur Sari Charan Mishra

Applicant

By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chauhan, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div><div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div></div><div><div>1. On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</div><div>2. Government Sanction for implementation of the order has been accorded vide letter dated 14.07.2023.</div><div>3. In view of the above, four weeks further time is granted for implementation of the order by issuing PPO.</div><div>4. List on 04.09.2023.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div><div>AKD/-</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 14)

Ex. A. No. 213 of 2022 Inre : O.A. No. 166 of 2021

Ex. Hav. Ramesh Singh Applicant
By Legal Practitioner for the Applicant : Shri Bhanu Pratap Singh Chauhan, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Chet Narayan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Bhanu Pratap Singh Chauhan, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present..</p> <p>2. Government Sanction for implementation of order is yet be accorded.</p> <p>3. Case file of the applicant for implementation of the order is said to be pending with the office of Principal Integrated Financial Advisor (PIFA) (Q &M), Sena Bhawan, New Delhi for financial concurrence since 25.05.2023.</p> <p>4. On the request of Ld. Counsel for the respondents, four weeks further time is granted for implementation of the order.</p> <p>5. It is directed that in the event of Government Sanction being not accorded within the above period the Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in Tribunal through Video Conferencing on the next date fixed to explain the reasons of non-compliance.</p> <p>6. List on 28.08.2023.</p> <p>7. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 15)

Ex. A. No. 230 of 2022 Inre : O.A. No. 93 of 2021

Ex. Nk. Birija Bhar Ram Applicant
By Legal Practitioner for the Applicant : Shri Prashant Kumar Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Deepti Prasad Bajpai

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Prashant Kumar Singh, Ld. Counsel for the applicant and Major Naman Gupta, Departmental Representative for the respondents are present.</p> <p>2. An affidavit of Colonel Yogendra Mohan, Director, DSC Directorate, West Block-III, R.K. Puram, New Dehli has been filed in Court today stating that mother-in-law of the officer being admitted in Hospital due to stroke and paralysis attack he is not able to appear in Tribunal today. Prayer has been made for his personal appearance exemption which considering the reason is allowed.</p> <p>3. Four weeks further time has been sought for the implementation of the order on the ground that file of the applicant for implementation of the order is pending with the office of Ministry of Defence, New Delhi since 13.07.2023.</p> <p>4. In the circumstances, four weeks further time is granted, as prayed.</p> <p>5. Respondents are directed to deposit the cost due against them by the next date fixed.</p> <p>6. List on 15.09.2023.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 16)

Ex. A. No. 239 of 2022 Inre : O.A. No. 618 of 2021

Applicant

By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate

Versus

Respondents

By Legal Practitioner for Respondents : Shri Devesh Kumar, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Shri Devesh Kumar, Ld. Counsel for the respondents are present.</p> <p>2. An affidavit of Ms. Alka Sharma, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi has been filed which is taken on record.</p> <p>3. Four weeks further time has been sought by the respondents saying file for implementation of the order is still pending with the Office of Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi.</p> <p>4. Respondents are granted four weeks further time, as prayed, for implementation of the order. It is directed that in case the order is not complied with, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in the Tribunal through video conferencing on the next date fixed to show cause why coercive measures be not taken against her for non compliance.</p> <p>5. List on 28.08.2023.</p> <p>6. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p style="text-align: center;">(Vice Admiral Atul Kumar Jain) Member (A)</p> <p style="text-align: center;">(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 17)

Ex. A. No. 278 of 2022 Inre : O.A. No. 646 of 2021

Ex. Rect. Sudhakar Singh Applicant
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.), Advocate
Shri Rohit Kumar, Advocate

Versus

Chief of Army Staff & Others Respondents
By Legal Practitioner for Respondents : Ms. Anju Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>2. An affidavit of Major General Ashok Singh, ADG PS-4, New Delhi has been filed today in Court which is taken on record.</p> <p>3. It is submitted that file of the applicant for the grant of Government Sanction is pending with Ministry of Defence, New Delhi since 27.04.2023.</p> <p>4. It is submitted that four weeks further time be granted for implementation of the order which is allowed. It is clarified that in the event of Government Sanction being not accorded within the given time, Secretary, Ministry of Defence, New Delhi will file his personal affidavit regarding non-compliance of the order.</p> <p>5. List on 12.09.2023.</p> <p>6. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 18)

Ex. A. No. 288 of 2022 Inre : O.A. No. 740 of 2021

Ex. Hav. Ram Asheesh Applicant
By Legal Practitioner for the Applicant : Shri Pankaj Kumar Shukla, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Pankaj Kumar Shukla, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. In compliance of the order Government Sanction has been accorded vide letter dated 06.07.2023. Four weeks further time has been sought for implementation of the order i.e. issue of PPO which is allowed.</p> <p>3. Respondents are further directed to deposit the cost due against them by the next date fixed.</p> <p>4. List on 06.09.2023.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 19)

Ex. A. No. 322 of 2022 Inre : O.A. No. 827 of 2021

Ex. Nb. Sub. Sheo Khelawan Applicant
By Legal Practitioner for the Applicant : Shri Dharam Raj Singh, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Bipin Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Dharam Raj Singh, Ld. Counsel for the applicant and Shri Bipin Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. Four weeks further time has been sought by the respondents saying file for implementation of the order is still pending with the Office of Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi.</p> <p>3. Respondents are granted four weeks further time, as prayed, for implementation of the order. It is directed that in case the order is not complied with, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in the Tribunal through video conferencing on the next date fixed to show cause why coercive measures be not taken against her for non compliance.</p> <p>4. List on 15.09.2023.</p> <p>5. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 20)

Ex. A. No. 324 of 2022 Inre : O.A. No. 793 of 2021

Ex. Sub. Pyar Chand

By Legal Practitioner for the Applicant : Shri K.P. Datta, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Ms. Anju Singh, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div><div><div><div>19.07.2023</div><div>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</div></div></div><div><div>1.</div><div>On the case being taken up for hearing Shri K.P. Datta, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</div></div><div><div>2.</div><div>Four weeks further time has been sought by the respondents saying file for implementation of the order is still pending with the Office of Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi.</div></div><div><div>3.</div><div>Respondents are granted four weeks further time, as prayed, for implementation of the order. It is directed that in case the order is not complied with, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in the Tribunal through video conferencing on the next date fixed to show cause why coercive measures be not taken against her for non compliance.</div></div><div><div>4.</div><div>List on 15.09.2023.</div></div><div><div>5.</div><div>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div></div><div>AKD/-</div></div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 21)

Ex. A. No. 355 of 2022 Inre : O.A. No. 864 of 2021

EWx. Hav. Tekawade Santosh Bapurao Applicant
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Manu Kumar Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Manu Kumar Srivastava, Ld. Counsel for the respondents are present.</p> <p>2. Four weeks further time has been sought by the respondents saying file for implementation of the order is still pending with the Office of Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi.</p> <p>3. Respondents are granted four weeks further time, as prayed, for implementation of the order. It is directed that in case the order is not complied with, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in the Tribunal through video conferencing on the next date fixed to show cause why coercive measures be not taken against her for non compliance.</p> <p>4. List on 15.09.2023.</p> <p>5. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 22)

Ex. A. No. 358 of 2022 Inre : T.A. No. 5 of 2022

Lt. Col. Amar Singh (Retd.)
By Legal Practitioner for the Applicant : Col. Ashok Kumar (Retd.), Advocate
Shri Rohit Kumar, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Rajeev Narayan Pandey, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Rohit Kumar, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents are present.</p> <p>2. This Tribunal vide order dated 18.05.2023 had while granting four weeks time to the respondents for implementation of the order directed that in the event of order being not complied with, Director, PS-4, IHQ of MoD (Army), New Delhi will appear in person on the next date fixed to explain the reasons of non-compliance.</p> <p>3. Director, PS-4, IHQ of MoD (Army), New Delhi is neither present nor filed affidavit regarding his non-appearance.</p> <p>4. Ld. Counsel for the respondents submits that applicant’s file for implementation of order is pending with Ministry of Defence, New Delhi since 08.06.2023, four weeks further time has been sought.</p> <p>5. Registry is directed to issue notice to the Director, PS-4, IHQ of MoD (Army), New Delhi to appear in person in Tribunal on the next date fixed to explain the reasons of non-compliance of the order dated 18.05.2023.</p> <p>6. List on 23.08.2023.</p> <p>7. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 23)

Ex. A. No. 377 of 2022 Inre : O.A. No. 763 of 2021

Ex. Nb. Sub. Randhir Singh

By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Ms. Anju Singh, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div></div><div><div>1.</div><div>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</div></div><div><div>2.</div><div>An affidavit has been filed by the respondents which is taken on record.</div></div><div><div>3.</div><div>Four weeks further time has been sought by the respondents saying file for implementation of the order is still pending with the Office of Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi.</div></div><div><div>4.</div><div>Respondents are granted four weeks further time, as prayed, for implementation of the order. It is directed that in case the order is not complied with, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in the Tribunal through video conferencing on the next date fixed to show cause why coercive measures be not taken against her for non compliance.</div></div><div><div>5.</div><div>List on 15.09.2023.</div></div><div><div>6.</div><div>Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div><div>AKD/-</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 24)

Ex. A. No. 23 of 2023 Inre : O.A. No. 5 of 2022

Ex. Hav. (ACP Nb. Sub.) Sanjeev Kumar Applicant
By Legal Practitioner for the Applicant : Shri Manoj Kumar Awasthi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Arvind Kumar Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Manoj Kumar Awasthi, Ld. Counsel for the applicant and Shri Arvind Kumar Pandey, Ld. Counsel for the respondents are present.</p> <p>2. Four weeks further time has been sought by the respondents saying file for implementation of the order is still pending with the Office of Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi.</p> <p>3. Respondents are granted four weeks further time, as prayed, for implementation of the order. It is directed that in case the order is not complied with, Principal Integrated Financial Advisor (PIFA) (Q & M), Sena Bhawan, New Delhi will appear in the Tribunal through video conferencing on the next date fixed to show cause why coercive measures be not taken against her for non compliance.</p> <p>4. List on 15.09.2023.</p> <p>5. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 25)

Ex. A. No. 29 of 2023 Inre : O.A. No. 656 of 2021

Ex. Hav. Sarabjeet Singh Applicant
By Legal Practitioner for the Applicant : Shri Arvind Thakur, Advocate
Shri Ashish Kumar Verma, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Shri Kaushik Chatterjee, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Arvind Thakur, Ld. Counsel for the applicant and Shri Kaushik Chatterjee, Ld. Counsel for the respondents are present.</p> <p>2. It is submitted by the Ld. Counsel for the respondents that respondents have already carried out process for implementation of the order. File is pending with the office of Director, PS-4, IHQ of MoD (Army), New Delhi since 16.06.2023, three weeks further time has been sought for implementation of order which is allowed. In the event of order being not complied with Director, PS-4, IHQ of MoD (Army), New Delhi will appear in person in Tribunal on the next date fixed to explain the reasons of non-compliance.</p> <p>3. List on 23.08.2023.</p> <p>4. Let copy of this order be provided to the Ld. Counsel for the respondents/AFT Legal Cell for compliance.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 26)

O.A. No. 228 of 2023

Ex. Sub. Shaik Meera
By Legal Practitioner for the Applicant : Shri K.K. Singh Bisht, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Counter Affidavit filed by the respondents is taken on record.</p> <p>2. Heard Shri K.K. Singh Bisht, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>3. Original Application is allowed.</p> <p>4. For orders, see our order passed on separate sheets.</p> <p>5. Misc. Application(s), pending if any, shall be treated to have been disposed of.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 27)

O.A. No. 229 of 2023

Ex. Sgt. Pavan Kumar SinghApplicant

By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate
Ms. Upasna Mishra, Advocate
Shri Satya Narayan Mishra, Advocate

Versus

Union of India & OthersRespondents

By Legal Practitioner for Respondents : Shri J.N. Mishra, Advocate

Notes of the Registry	Orders of the Tribunal
	<div>19.07.2023</div> <div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div> <div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div> <div>1. Counter Affidavit filed by the respondents is taken on record.</div> <div>2. Heard Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents.</div> <div>3. Original Application is allowed.</div> <div>4. For orders, see our order passed on separate sheets.</div> <div>5. Misc. Application(s), pending if any, shall be treated to have been disposed of.</div> <div>(Vice Admiral Atul Kumar Jain) Member (A)</div> <div>(Justice Umesh Chandra Srivastava) Member (J)</div> <div>AKD/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 28)

O.A. No. 245 of 2023

Ex. CHEL (P) Rahul Bhagour

By Legal Practitioner for the Applicant : Shri Manish Kumar Rai, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Shri D.K. Pandey, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. Heard Shri Manish Kumar Rai, Ld. Counsel for the applicant and Shri D.K. Pandey, Ld. Counsel for the respondents.</p> <p>2. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for issuing direction to the respondents to conduct Re-Survey Medical Board and to assess his disability ‘M 54.4 Lumbago with Sciatica/Acute Lumbago’ for deciding the entitlement of disability element of disability pension.</p> <p>3. Ld. Counsel for the respondents submits that at the time of discharge from service the applicant was in medical category SHAP I (S1 A1) as such there is no need for issuing direction to hold Re-Survey Medical Board (RSMB) to assess the disability of the applicant.</p> <p>4. Briefly stated facts of the case are that the applicant was enrolled in the Indian Navy on 24.01.2002 and discharged from service on 30.04.2018 on completion of terms of engagement after rendering 16 years, 03 months and 07 days of service. The applicant, in the year 2013, while serving on board INS Sindhudhvaj had suffered from Backache for which treatment was done in INHS Kalyani and the Backache was managed by physiotherapy and other medicines. In January, 2018 while doing course at INS Valsura, Jamnagar, Gujarat the Backache problem re-emerged for which treatment was undertaken in the Sick Bay, INS Valsura. After completion of course at INS Valsura applicant reported back to his Unit INS Vajrabahu and having increased intensity of Backache reported to INHS Asvini for further treatment on 25.01.2018. On the basis of MRI report dated 11.02.2018 applicant was provisionally diagnosed as suffering from “Lumbago/LBA” by Medical Specialist and he was under medical treatment for the period from 25.01.2018 to May, 2018. At the time of discharge the Release Medical Board held in the year</p>

	<p>2017 overlooked the disease “Lumbago/LBA” and same was not assessed for deciding the entitlement of disability element of disability pension and applicant was discharged from service in S1 A1 Medical Category. In support of his submission the applicant has filed copies of medical documents. The applicant preferred Appeal dated 27.04.2022 but of no avail. It is in this perspective the applicant has preferred the present Original Application.</p> <p>5. Upon hearing submission of Ld. Counsel of both the parties and considering the facts and circumstances of the case, we dispose of the Original Application finally with the direction to the respondents to conduct Re-Survey Medical Board (RSMB) of the applicant to assess his disability for deciding entitlement of disability element of disability pension. Respondents are further directed to give effect to the order within four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment</p> <p>6. Let copy of this order be provided to the learned Counsel for the parties.</p> <div><div><p>(Vice Admiral Atul Kumar Jain) Member (A)</p></div><div><p>(Justice Umesh Chandra Srivastava) Member (J)</p></div></div> <p>AKD/-</p>
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Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 29)

O.A. No. 248 of 2023

Ex. Hav. Kailash Chand

By Legal Practitioner for the Applicant :
Shri Ved Prakash, Advocate
Shri Devendra Kumar, Advocate
Shri Vinay Pandey, Advocate

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents :
Shri Shyam Singh, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. Counter Affidavit filed by the respondents is taken on record.</div><div>2. Heard Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Shyam Singh, Ld. Counsel for the respondents.</div><div>3. Original Application is allowed.</div><div>4. For orders, see our order passed on separate sheets.</div><div>5. Misc. Application(s), pending if any, shall be treated to have been disposed of.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div><div>AKD/-</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 30)

O.A. No. 250 of 2023

Ex. Hav. Ajeet Kumar Singh
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Rajiv Pandey, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Shri Rajiv Pandey, Ld. Counsel for the respondents are present.</div><div>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</div><div>3. List on 11.08.2023.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div></div>
	AKD/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 31)

O.A. No. 428 of 2023

Ex. LHO Brigunath Tiwari
By Legal Practitioner for the Applicant : Shri Keshav Sharma, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Adesh Kumar Gupta, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Keshav Sharma, Ld. Counsel for the applicant and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 16.08.2023.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 32)

O.A. No. 429 of 2023

Ex. AC Pawan Negi
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</div><div>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</div><div>3. List on 18.08.2023.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div></div><div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div></div>
	AKD/-

O.A. No. 437 of 2023

Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Rahul Pal, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 21.08.2023.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 34)

O.A. No. 440 of 2023

Ex. Ris. Sukhvir Singh Applicant
By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri R.K. Singh, Advocate
Maj. S.M. Mustafa (Retd.), Advocate
Shri D.K. Dixit, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Ms. Deepti Prasad Bajpai, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Major Naman Gupta, Departmental Representative for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 22.08.2023.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 35)

O.A. No. 441 of 2023

Maj. Gen. Bhaskar Kalita, YSM (Retd.) Applicant
By Legal Practitioner for the Applicant : Col. A.K. Srivastava (Retd.), Advocate
Shri Amarendu Srivastava, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 23.08.2023.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

O.A. No. 442 of 2023

Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Col. R.C. Dixit (Retd.), Ld. Counsel for the applicant and Shri Alok Kumar Mishra , Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 24.08.2023.</p> <p style="text-align: center;"> (Vice Admiral Atul Kumar Jain) Member (A) </p> <p style="text-align: center;"> (Justice Umesh Chandra Srivastava) Member (J) </p> <p>AKD/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 37)

O.A. No. 443 of 2023

Nb. Sub. Kamlesh Kumar

Applicant

By Legal Practitioner for the Applicant : Col. A.K. Srivastava (Retd.), Advocate
Shri Amarendu Srivastava, Advocate

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. On the case being taken up for hearing Col. A.K. Srivastava (Retd.), Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents are present.</div><div>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</div><div>3. List on 25.08.2023.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div> <div>AKD/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 38)

O.A. No. 445 of 2023

Ex. Sgt. Umesh KumarApplicant

By Legal Practitioner for the Applicant : Shri V.P. Pandey, Advocate
Shri D.K. Dixit, Advocate
Maj. S.M. Mustafa (Retd.), Advocate
Shri R.K. Singh, Advocate

Versus

Union of India & OthersRespondents

By Legal Practitioner for Respondents : Dr. Chet Narayan Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div> <div><div>1. On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Dr. Chet Narayan Singh, Ld. Counsel for the respondents are present.</div><div>2. Counter Affidavit filed by the respondents is taken on record.</div><div>3. Shri V.P. Pandey, Ld. Counsel appearing for the applicant states that applicant has died on 19.06.2023.</div><div>4. Steps for substitution may be taken.</div><div>5. List on 13.09.2023.</div></div> <div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div> <div>AKD/-</div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 39)
O.A. No. 447 of 2023

Ex. Hav. Gajendra Singh Bhadauria
By Legal Practitioner for the Applicant : Shri Keshav Sharma, Advocate

Applicant

Union of India & Others
By Legal Practitioner for Respondents : Shri J.N. Mishra, Advocate

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<div><div><div>19.07.2023</div><div>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</div><div>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</div></div><div><div>1. On the case being taken up for hearing Shri Keshav Sharma, Ld. Counsel for the applicant and Shri J.N. Mishra, Ld. Counsel for the respondents are present.</div><div>2. On the request of Ld. Counsel for the respondents three weeks further time is granted to file Counter Affidavit.</div><div>3. List on 18.08.2023.</div></div><div><div>(Vice Admiral Atul Kumar Jain)</div><div>Member (A)</div><div>(Justice Umesh Chandra Srivastava)</div><div>Member (J)</div></div><div>AKD/-</div></div>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 40)

O.A. No. 453 of 2023

Ex. Sgt. Gunjan Kumar Jha
By Legal Practitioner for the Applicant : Shri Keshav Sharma, Advocate

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents : Shri Vishwesh Kumar, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Keshav Sharma, Ld. Counsel for the applicant and Shri Vishwesh Kumar, Ld. Counsel for the respondents are present.</p> <p>2. On the request of Ld. Counsel for the respondents two weeks further time is granted to file Counter Affidavit.</p> <p>3. List on 18.08.2023.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Umesh Chandra Srivastava) Member (J)</div></div> <p>AKD/-</p>

O.A. N. 1062 of 2022

Applicant

Versus

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.07.2023</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri V.P. Pandey, Ld. Counsel for the applicant and Ms. Anju Singh, Ld. Counsel for the respondents are present.</p> <p>2. As prayed by the Ld. Counsel for the respondents two weeks further time is granted to file typed copy of documents.</p> <p>3. List on 11.08.2023.</p> <p>(Vice Admiral Atul Kumar Jain) Member (A)</p> <p>(Justice Umesh Chandra Srivastava) Member (J)</p> <p>AKD/-</p>